

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

T. ROWE PRICE ASSOCIATES, INC.
100 East Pratt Street
Baltimore, MD 21202,
Plaintiff,

v.

L. FRANCIS CISSNA, Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

KEVIN MCALEENAN, Acting Secretary
U.S. Department of Homeland Security
650 Massachusetts Avenue, NW
Washington, DC 20001

LAURA B. ZUCHOWSKI, Director
U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479,

Defendant.

Civil Action No. 19-cv-1417

COMPLAINT

Introduction

1. Plaintiff T. Rowe Price Associates, Inc. (“T. Rowe Price”) challenges the unlawful denial of its nonimmigrant petition (EAC-19-063-51454) seeking approval of H-1B classification on behalf of Mr. Weilian Xu under 8 U.S.C. § 1101(a)(15)(H).

2. T. Rowe Price is a wholly owned subsidiary of T. Rowe Price Group, Inc., a financial services holding company that provides global investment management services through its subsidiaries to investors worldwide. The group provide an array of U.S. mutual funds,

separately managed accounts, subadvised funds, and other T. Rowe Price products, including: collective investment trusts, target date retirement trusts, open-ended investment products offered to investors outside the United States, and products offered through variable annuity life insurance plans in the United States. The company derives the vast majority of its consolidated net revenue and income from investment advisory services provided by Plaintiff T. Rowe Price and T. Rowe Price International Ltd.

3. As described in its initial petition to U.S. Citizenship and Immigration Services (hereinafter “USCIS” or “the Service”), T. Rowe Price seeks to employ Mr. Xu in the role of Senior Systems Security Analyst to develop and implement enterprise-wide solutions for application and systems security. Classified in the “Computer Systems Analyst” occupation according to the U.S. Department of Labor taxonomy, the minimum requirements of the role included “[a]ttainment of a Bachelor’s degree or higher in Enterprise Risk Management, or a related field and related work experience.” *See* Ex. 1 (December 13, 2018, Employer Support Letter).

4. On March 25, 2019, USCIS denied the H-1B petition. Focused entirely on the Plaintiff’s stated minimum requirements, the notice concluded, “on the basis of the position’s educational requirements alone, you have not established that the position is in a specialty occupation as defined above.” (*See* Ex. 3 March 25, 2019 Notice from USCIS).

5. The denial of the petition by USCIS runs counter to, and fundamentally disregards, substantial evidence in the record. The decision is arbitrary and capricious and an abuse of its discretion, and not in accordance with the law.

6. T. Rowe Price seeks an order overturning the denial and requiring USCIS to adjudicate and approve its H-1B nonimmigrant petition.

Jurisdiction and Venue

7. This is a civil action brought under 5 U.S.C. §§ 702, 704 of the Administrative Procedure Act (“APA”). This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question subject matter jurisdiction) and 28 U.S.C. § 1361. This Court also has authority to grant declaratory relief under 28 U.S.C. §§ 2201–02, and injunctive relief under 5 U.S.C. § 702, and 28 U.S.C. § 1361. The United States waives sovereign immunity under 5 U.S.C. § 702.

8. Venue is proper under 28 U.S.C. § 1391(e)(1)(A) as a civil action brought against officers and agencies of the United States in their official capacities in the district where the Defendants reside.

Parties

9. Plaintiff T. Rowe Price is a Maryland corporation headquartered in Baltimore, MD.

10. Defendant USCIS is a component of the U.S. Department of Homeland Security (“DHS”), 6 U.S.C. § 271, and an “agency” within the meaning of the APA, 5 U.S.C. § 551(1). USCIS adjudicates petitions for immigration benefits, and denied the nonimmigrant petition T. Rowe Price filed on behalf of Mr. Xu.

11. Defendant L. Francis Cissna is the Director of USCIS. He has ultimate responsibility for the denial of T. Rowe Price’s petition and is sued in his official capacity.

12. Defendant Kevin McAleenan is the Acting Secretary of DHS, and is sued in his official capacity.

13. Defendant Laura B. Zuchowski is the Director of the Vermont Service Center, and is sued in her official capacity. She leads the specific office within USCIS that adjudicated the petition.

Legal Framework

14. The Immigration and Nationality Act (“INA”) provides H-1B classification for foreign nationals, in pertinent part, “coming temporarily to the United States to perform services... in a specialty occupation.” 8 U.S.C. § 1101(a)(15)(H).

15. A specialty occupation is a position that requires the theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation. 8 U.S.C. § 1184(i)(1).

16. DHS regulations define specialty occupation to mean “an occupation which requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts, and which requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.” 8 C.F.R. § 214.2(h)(4)(ii).

17. Implementing regulations at 8 C.F.R. § 214.2(h)(4)(iii)(A) further provide that a position will satisfy the statutory definition of specialty occupation if it meets one of the following criteria:

- A baccalaureate or higher degree or equivalent is normally the minimum requirement for entry into the particular position;
- The degree requirement is common in industry in parallel positions among similar organizations or, in the alternative, an employer may show that its particular

position is so complex or unique that it can be performed only by an individual with a degree;

- The employer normally requires a degree or equivalent for the position; or
- The nature of specific duties is so specialized and complex that knowledge required to perform the duties is usually associated with attainment of a baccalaureate or higher degree.

18. To perform services in a specialty occupation, a beneficiary must, *inter alia*, hold a U.S. bachelor's or higher degree from an accredited college or university (or a foreign degree determined to be equivalent) as required by the specialty occupation. 8 C.F.R. § 214.2(h)(4)(iii)(C).

Factual Allegations

19. USCIS accepted an H-1B nonimmigrant petition filed by Plaintiff on behalf of beneficiary Mr. Weilian Xu on December 18, 2018.

20. Mr. Xu earned a Master of Business Administration degree in May 2015 from John Hopkins University. Mr. Xu's coursework included a formal concentration in Enterprise Risk Management, which required that he complete a series of classes that qualify him for the proffered role. These classes included Data Analytics, Cybersecurity, Quantitative Methods, Business Processes, Optimization Models, Managerial Decision Behavior, and Networked Organizations. (Ex. 1 at 7).

21. As Plaintiff's support letter describes in detail, the role of Senior Systems Security Analyst encompasses a range of job duties that includes studying the company's current computer/software systems and applications, and designing solutions to help the organization

operate more efficiently and effectively with a minimal degree of risk to the firm. The role requires a qualified candidate to operate at the intersection of business and information technology, understand the needs and limitations of both, and act as an intermediary between technical and business colleagues. (Ex. 1 at 2).

22. The company letter further elaborated on the role's duties in a chart that spanned nearly six full pages. This chart associated the positon's day-to-day duties with a percentage of time spent on each task, then connected each to a list of relevant coursework and skills that define the nature of this particular “specialty occupation” within the Computer Systems Analyst occupation generally. (Ex. 1 at 2-7).

23. USCIS issued a Request for Evidence (“RFE”) on January 8, 2019, challenging the qualifications of the position as one that requires at least a bachelor’s degree, or equivalent, in a specific specialty. *See* Ex. 2 (January 8, 2019 Notice from USCIS). The RFE did not call into question any particular piece of evidence, but provided a range of suggested documentation that T. Rowe Price could submit in response.

24. Specifically, the RFE characterized Enterprise Risk Management as “generalized field,” and stated the Plaintiff “indicate[d] that the minimum entry requirements for the proffered position are a wide variety of disparate fields of study, as the offered position requires a bachelor’s degree in Enterprise Risk Management.” (*Id.* at 5).

25. Following its assertion that Enterprise Risk Management spans a “wide variety of disparate fields,” the RFE concluded that by virtue of the requirement alone, the position could not qualify as a “specialty occupation” that requires a degree in a specific specialty. (*Id.*).

26. Plaintiff submitted its timely response on March 13, 2019, and, along with substantial evidence documenting the “specialty occupation” nature of the position, attached a

support letter from Rebecca Sudano, Global Mobility Specialist with T. Rowe Price. This letter provided an even more detailed explanation of the beneficiary's proposed day-to-day job duties and the company's minimum requirements for the role, and elaborated on the nexus between the duties and their associated requirements by analyzing every relevant course on the beneficiary's transcript. (See Ex. 4, Employer Response Letter).

27. The company's letter elaborated on the underlying skills required by the proffered role and concludes:

The attainment of a Bachelor's degree or higher in Enterprise Risk Management, or a related field, is essential for the Senior Systems Security Analyst role, as it will equip the individual with the skills to observe a technology system (i.e. application, network device, database, etc.), determine how access should be implemented within that system, and develop both process and application code to implement that access model. Furthermore, the individual will be equipped with the ability to find vulnerabilities/technical defects in technology systems, perform a risk analysis of the impact of those vulnerabilities to the system, and implement either process or technical controls to remediate that risk. (*Id.* at 8).

28. In addition to the second support letter, Plaintiff submitted the following documentation as evidence of the specialized nature of the role:

- An article from the *CPA Journal*, an internationally recognized publication for financial professionals, confirming the overlap of Enterprise Risk Management

and Information Technology;

- Examples of typical work product by a Senior Systems Security Analyst with the Plaintiff;
- Letter from William Agresti, researcher and consultant in IT and cybersecurity, confirming that a degree in Enterprise Risk Management or related is common for the occupation;
- Letter from Ruxian Wang, Associate Professor at the Carey Business School, also confirming that a degree in Enterprise Risk Management or related is common for the occupation;
- Legal memorandum clarifying the evidence presented and confirming that Plaintiff established the position as a specialty occupation by a preponderance of the evidence; and
- Excerpts from the U.S. Department of Labor's Occupational Outlook Handbook and Excerpts from O*Net related to the Computer Systems Analyst occupation.

29. Dr. Agresti, security consultant and retired full professor from the Johns Hopkins Carey Business School, states in his letter that the Enterprise Risk Management curriculum “prepare[s] students to apply a combination of business analysis skills in security and risk management,” and confirms that students who complete the beneficiary’s concentration “typically accept offers for positions as Systems Security Analysts, Systems Architects, Business Systems Analysts, Data Analysts, etc.”

30. Professor Wang reaches the same conclusion, and notes that “the advanced quantitative skills on data analysis and database development will enable our students to quickly

respond and handle risk-related threats and uncertainties through real-time data analytics and scenario planning.”

31. USCIS ultimately denied Plaintiff’s petition on December 17, 2018. Again focusing entirely on Plaintiff’s stated minimum requirements for the role as described in the initial support letter, the denial concludes that Plaintiff did not establish the eligibility of the proffered position under any of the four “specialty occupation” factors enumerated by regulation at 8 C.F.R. § 214.2(h)(4)(iii)(A).

32. Despite a detailed response from the Plaintiff supported by additional credible documentation, the denial simply reiterates the same issue that it outlined in the RFE as its basis for the denial:

You indicated that the minimum entry requirements for the offered position are a wide variety of disparate fields of study, as the offered position requires a bachelor’s degree in Enterprise Risk Management or a related field. However, there must be a close correlation between the required ‘body of highly specialized knowledge’ and the position. A minimum entry requirement of a bachelor’s degree in disparate field of study, does not meet the requirement that the position requires a degree ‘in the specific specialty (or its equivalent)’ unless you establish how each field is directly related to the duties and responsibilities of the particular position. (Ex. 3 at 3).

33. Contrary to the Service’s characterization of the evidence on record, the job description and additional evidence submitted by the Plaintiff in response to the Service’s RFE

included substantial documentation and legal analysis around the “specific specialty” issue, including a review of the academic coursework and body of knowledge required by the occupation. The denial does not acknowledge this evidence in any meaningful way. Instead, it merely reiterates the template language contained in its prior RFE. On this point, the denial is unsupported by substantial evidence in the record.

34. Furthermore, neither the INA nor implementing regulations supports the denial’s characterization of the “specific specialty” described in Plaintiff’s petition as requiring a single field of study or exclusive degree. This impermissibly narrow interpretation is contrary to law.

35. Similarly, the denial’s claim that the petition must be denied unless Plaintiff establishes “how each field is directly related to the duties and responsibilities of the particular position” is both unsupported by substantial evidence and contrary to law.

36. These conclusions contradict the denial’s prior assertion that USCIS examined the totality of the evidence under the required “preponderance of the evidence” standard.

37. This denial leaves Mr. Xu at risk of losing his work authorization upon the expiration of his nonimmigrant status.

38. Unless the Court vacates the denial of T. Rowe Price’s petition, the company will likely lose the services of a valuable employee in the United States.

Exhaustion

39. The December 17, 2018, denial by USCIS of T. Rowe Price’s petition constitutes a final agency action under the APA, 5 U.S.C. § 704. Neither the INA nor DHS regulations at 8 C.F.R. § 103.3(a) require administrative appeal of the denial.

40. Under 5 U.S.C. §§ 702 and 704, T. Rowe Price has suffered a “legal wrong” and has been “adversely affected or aggrieved” by agency action for which there is no adequate

remedy at law.

CAUSE OF ACTION

COUNT I

Administrative Procedure Act Violation (5 U.S.C. § 706)

41. Plaintiff incorporates the allegations set forth in the preceding paragraphs.
42. Defendants' denial of the Plaintiff's nonimmigrant petition constitutes final agency action that is arbitrary, capricious, an abuse of discretion, and not in accordance with the law.
43. No rational connection exists between the conclusions asserted by USCIS in its denial and the facts in the record.

REQUEST FOR RELIEF

The Plaintiff requests that this Court grant the following relief:

1. Declare the Defendants' denial of T. Rowe Price's H-1B petition is unlawful.
2. Vacate the denial and order Defendants to promptly approve the nonimmigrant petition.
3. Award Plaintiff its costs in this action; and
4. Grant any other relief that this Court may deem proper.

Dated: May 15, 2019

MORGAN, LEWIS & BOCKIUS LLP

By:/s/ Eleanor Pelta

Eleanor Pelta (DC Bar No. 418076)
eleanor.pelta@morganlewis.com
Daniel D. Schaeffer (DC Bar No.
888208991)
daniel.schaeffer@morganlewis.com

1111 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: +1.202.739.3000
Facsimile: +1.202.739.3001

Attorneys for Plaintiff

Exhibit 1



December 13, 2018

Via Federal Express

USCIS Vermont Service Center
Attn: I-129 H-1B
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: Petition for Nonimmigrant H-1B Worker
Petitioner: T. Rowe Price Associates, Inc.
Beneficiary: Weilian XU

Dear Sir or Madam:

We are writing to request H-1B nonimmigrant status for Mr. Weilian Xu, a citizen of China, whom we wish to employ in the specialized professional position of Senior Systems Security Analyst in our Owings Mills, Maryland office.

PETITIONER

Founded in 1937, T. Rowe Price manages \$991.1 billion in assets as of December 31, 2017 and employs approximately 6400 associates across offices in 16 countries around the world. T. Rowe Price is a publicly held company and traded on the NASDAQ (ticker symbol TROW). As reported in the firm's Form 10-K, T. Rowe Price derives the vast majority of its consolidated net revenue and net income from investment advisory services provided by T. Rowe Price Associates, Inc. in the United States and T. Rowe-UK in the United Kingdom, both of which are wholly owned subsidiaries of T. Rowe Price. A copy of our firm's 2017 Annual Report is attached.

SPECIALIZED PROFESSIONAL POSITION OFFERED

Mr. Xu's proposed position of Senior Systems Security Analyst is a specialty occupation because **the nature of the specific duties are so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree in a specific field**. Below, we provide the additional information requested by USCIS and further clarify the nature of the complex and advanced duties of the Senior Systems Security Analyst position with T. Rowe Price.

By way of background, T. Rowe Price is an American publicly owned global asset management firm that offers funds, advisory services, account management, and retirement plans and services for individuals, institutions, and financial intermediaries. Founded in 1937, T. Rowe Price manages \$991.1 billion in assets as of December 31, 2017 and employs approximately 6400 associates across offices in 16 countries around the world. Imperative to this operation is the role of Senior Systems Security Analyst, which is responsible for applying technology risk management principles to the Identity and Access Management (IAM) space. The Senior Systems Security Analyst will assist in the development and implementation of enterprise-wide solutions with respect to application and systems security, utilizing business and data analytics acumen to guide technical development. The position will focus on manipulating data and developing data visualizations.

T. Rowe Price Associates, Inc.
troweprice.com
T: 410-345-2000
T: 800-638-7890

100 East Pratt Street
Baltimore, MD 21202-1009

P.O. Box 89000
Baltimore, MD 21289-0316

We have selected Computer Systems Analyst (15-1121) as the most appropriate occupational classification for the Senior Systems Security Analyst position, as the role will require the individual to study T. Rowe Price Associates, Inc.'s current computer/software systems and applications, and design solutions to help the organization operate more efficiently and effectively, with a minimal degree of risk to the firm. In addition, the Senior Systems Security Analyst will bring business and information technology together by understanding the needs and limitations of both, while acting as an intermediary between technical and business-end colleagues.

Mr. Xu has been offered the position of Senior Systems Security Analyst, which will require him to apply his theoretical and practical knowledge of data analysis and data visualization; report development using various Business Intelligence tools, such as SSRS and Qli; relational databases, such as SQL and Oracle, and data modeling; creating complex SQL queries and ETL dataflow process; defining and developing business processes, and analyzing risk; technical writing; SQL Server database and system architecture; conducting formal business analysis, enterprise risk analysis, and technical analysis; translating and presenting between business and technical requirements; Agile project management and SDLC; data analytics and quantitative methods; relational databases, specifically SQL; cyber security and enterprise risk management; T-SQL query writing; cybersecurity, Identity and Access Management, and Enterprise Risk Management; and IT infrastructure architecture.

The Senior Systems Security Analyst will be responsible for assisting in the development and implementation of enterprise-wide solutions with respect to application and systems security utilizing business and data analytics acumen to guide technical development. The Senior Systems Security Analyst will focus on manipulating data and developing data visualizations.

Job Duties	Relevant Education/Skills to Job Duty	% of Time Spent on Each Duty
<p>Build reliable solutions based upon knowledge of complex data models, and build logic that bridges the gaps in data flow across dozens of systems:</p> <ul style="list-style-type: none"> • Design data model and data mart to implement reporting functions; • Develop data visualization for reporting requirement; • Design and develop data ETL (extract, transform, ands load) process to migrate data between Enterprise Security's IAM database and other business/application teams across the firm; • Communicate with other business groups regarding the data feed requirement; and • Analyze the quality and reliability of the data provided. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Data Analytics; • Cybersecurity; • Quantitative Methods. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Knowledge of data analysis and data visualization; • Skills in report development using various Business Intelligence tools, such as SSRS and Qlik; • Expertise in various relational databases, such as SQL and Oracle, and data modeling; • Expertise regarding creating complex SQL queries and ETL dataflow process. 	20%

Job Duties	Relevant Education/Skills to Job Duty	% of Time Spent on Each Duty
<p>Create best practices for development in the IAM space including code migration and management:</p> <ul style="list-style-type: none"> • Create a reliable business process and procedure of code deployment and data migration; • Manage versions control and comparison; • Follow the procedure to conduct deployment and data migration; and • Continually identify vulnerabilities and potential risk of the procedure, and refine the process. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process; • Optimization Models; • Data Analytics. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Ability to define and develop business processes and analyze risk; • Knowledge of technical writing; • Knowledge of SQL Server database and system architecture. 	20%
<p>Evaluate applications and application systems to ensure that business needs are met or exceeded, with a minimal degree of risk to the firm (Risk Management). This includes the identifying and remedying vulnerabilities, software and application testing, providing design and coding guidance, and serving as a consultant to other business units while acting as an Application Security Subject Matter Expert (SME):</p> <ul style="list-style-type: none"> • Conduct interviews with various teams and business groups, such as IAM Operation Team, Systems Security Analysts Team, and Auditing and Compliance Team, to understand, collect, and analyze their business requirements; • Analyze business processes and available technical solutions with the business, and conduct feasibility and vulnerabilities analysis; • Write technical documentation and user story according to the business requirement; and • Arrange UAT testing and internal testing, demonstrate solutions that have been developed to the business audience, and communicate the feedback to the development team. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process; • Managerial Decision Behavior; • Cybersecurity; • Optimization Models. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Ability to conduct formal business, risk, and technical analyses; • Ability to translate between business and technical requirements; • Knowledge of Agile project management and SDLC. 	10%

Job Duties	Relevant Education/Skills to Job Duty	% of Time Spent on Each Duty
<p>Work to identify, triage, and provide remediation guidance of vulnerabilities within software applications and systems, using a variety of tools, techniques, approaches, and methodologies, such as static analysis, dynamic analysis, source code review, etc. (Risk Management, Cyber Security):</p> <ul style="list-style-type: none"> • Analyze data quality and consistency, conduct data quality cross check, and ensure data quality for operational and auditing requirements; • Design and develop auditing and logging process and functionality to monitor and record the data changes; and • Investigate and troubleshoot missing or inconsistent data. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Quantitative Methods; • Data Analytics; • Cybersecurity. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Knowledge of data analytics and quantitative methods; • Expertise in relational database, especially SQL database, and data modeling; • Knowledge of cyber security and enterprise risk management. 	10%
<p>Work collaboratively with developers and architects to determine risk of discovered vulnerabilities and to determine and implement remediation to both address the risk and meet business requirements:</p> <ul style="list-style-type: none"> • Identify and investigate IAM production issues, and analyze severity and prioritize the work; • Remediate the production issue via data manipulation and analysis; and • Collaborate with developers, engineers and technical consultants to develop and implement fixes to the production issue. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Quantitative Methods; • Data Analytics; • Cybersecurity. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Expertise in data analysis; • Strong skills of T-SQL query writing; • Knowledge in risk management and cyber security. 	10%

Job Duties	Relevant Education/Skills to Job Duty	% of Time Spent on Each Duty
<p>Work with Systems Security Engineers, developers, architects, project leads/managers, and business analysts in identifying security requirements for projects and ensure that these requirements are met as part of the software development lifecycle:</p> <ul style="list-style-type: none"> Conduct internal interviews with Enterprise Security's analysts, engineers, and project leads/managers to define and understand their business and technical requirements for Identity and Access Management; Summarize requirements, split into different Features/User Stores/Tasks according to the agile project management method, and estimate the time required; and Document the requirement, deliverable, and acceptance criteria. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> Business Process; Managerial Decision Behavior; Cybersecurity; Optimization Models. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> Ability to conduct formal business analysis, enterprise risk analysis, and technical analysis; Ability to translate and present between business and technical requirements; Knowledge of agile project management and SDLC. 	10%
<p>Work with personnel throughout the firm to troubleshoot any problems and ensure the IAM System is functioning properly. When needed, work with the product vendor to ensure that issues are being properly addressed and resolved:</p> <ul style="list-style-type: none"> Work with IAM team, providing operational support from both business and technical aspects; Investigate and troubleshoot database related issues, such as missing data, data quality, data flow disconnections, stored procedure failure, and reporting failure; and Develop ad-hoc reports and provide on-demand data to various business groups, including Enterprise Security Management and Compliance/Auditing team. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> Quantitative Methods; Data Analytics. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> Expertise in SQL database, data modeling, and data analysis; Ability to write complex SQL database query and stored procedures; Expertise in report development and data visualization via tools such as SSRS and Qlik. 	10%

Job Duties	Relevant Education/Skills to Job Duty	% of Time Spent on Each Duty
<p>Build, operate, and enhance systems to integrate tools such as static source code analysis, and others within the software development lifecycle in optimal ways:</p> <ul style="list-style-type: none"> • Work with external consultants to develop customized features, functions, and enhancements; and • Conduct static code analysis from business logic and workflow prospective. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process; • Optimization Models; • Cybersecurity. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Knowledge and understanding of Identity and Access Management's business process and operational risk management. 	5%
<p>Determine the impact of the introduction of these on the security posture of the rest of the enterprise and provide actionable guidance and security requirements on the impacts of any new technologies or methodologies:</p> <ul style="list-style-type: none"> • Communicate with teams that manage infrastructures, such as WIS, ServiceNow, and Qlik to quickly identify their incoming changes; • Work with the ES engineers to evaluate the impact caused by their actions, such as upgrades and patches; • Determine the process and action needed to collaborate such changes; and • Communicate with systems security analysts, security engineers, developers, and project managers to explore and evaluate new technologies and products, including new Identity and Access Management products such as SailPoint, and new Business Intelligence products such as Qlik, Tableau, and MicroStrategy. 	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process; • Cybersecurity; • Optimization Models; • Networked Organizations. <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Knowledge of Cyber Security, Identity and Access Management, and Enterprise Risk Management; • Knowledge of IT infrastructure architecture. 	5%

The work product that results from these daily tasks provides evidence that these specific duties are so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a Bachelor's degree or higher in Enterprise Risk Management, or a related field and related work experience. Attainment of a Bachelor's degree or higher in Enterprise Risk Management or a related field is essential to the Senior Systems Security Analyst role, as it will equip the individual with the theoretical and practical skill set required for completion of all associated, technical and business-related duties. Specifically, the duties associated with the position require coursework in Data Analytics, Cybersecurity, Quantitative Methods, Business Processes, Optimization Models, Managerial Decision Behavior, and Networked Organizations, all of which can be gained only through the attainment of a Bachelor's degree or higher in Enterprise Risk Management or a related field.

The attainment of a Bachelor's degree or higher in Enterprise Risk Management, or a related field, is essential for the Senior Systems Security Analyst role, as it will equip the individual with the skills to observe a technology system (i.e. application, network device, database, etc.), determine how access should be implemented within that system, and develop both process and application code to implement that access model. Furthermore, the individual will be equipped with the ability to find vulnerabilities/technical defects in technology systems, perform a risk analysis of the impact of those vulnerabilities to the system, and implement either process or technical controls to remediate that risk. The capacity to complete such tasks requires a technical understanding of systems, as well as the ability to understand the correlating impact to business processes to assess true risk and drive technical decisions. This requires the ability to communicate with technical colleagues as well as colleagues on the business end. As such, the individual is required to assume an intermediary role, translating technical and business concepts and measures of risk between the associated technical and business teams. This requires a solid understanding of both technical/technology and business risk concepts. Without the attainment of a Bachelor's degree or higher in Enterprise Risk Management, or a related field, the individual employed in the Senior Systems Security Analyst role would not be able to complete the complex, technical and business-related duties of the role.

BENEFICIARY'S PROFESSIONAL EDUCATION AND EXPERIENCE

In May 2015, Mr. Xu earned an MBA from the Carey Business School at John Hopkins University in Baltimore, Maryland, with a concentration in Enterprise Risk Management. During his educational studies, Mr. Xu attended and completed courses of direct relevance to the Senior Systems Security Analyst role, including Data Analytics, Cybersecurity, Quantitative Methods, Business Processes, Optimization Models, Managerial Decision Behavior, and Networked Organizations. Without the completion of his concentration in Enterprise Risk Management as part of his MBA degree program, Mr. Xu could not perform the duties associated with the Senior Systems Security Analyst role.

From June 2015 until November 2015, Mr. Xu was a Data Analyst with SummitWorks Technologies, Inc. as an F-1 student participating in Optional Practical Training. In this role, he analyzed and reviewed business requirements, and interacted with Business System Analysts to define solutions and deliverables. He designed and implemented data analysis and business intelligence solutions, interface, and database. He also designed, deployed and managed SSRS reports and SSIS packages.

Since December 2015, Mr. Xu has been employed as a Data Analyst with Itlize Global LLC as a F-1 student participating in Optional Practical Training and in valid H-1B status. In this role, he analyzes and reviews business requirements and interacts with business system analysts. He works with project managers in estimating the project delivery. He works with database architect in database and data flow process design and review. Mr. Xu designs and implements data analysis and business intelligence solutions. He designs, deploys and manages SSRS reports and SSIS packages. He analyzes report data for cooperate audit and business decision making.

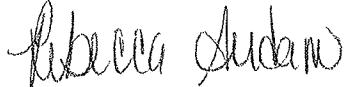
We now wish to employ Mr. Xu in valid H-1B status at our office in Owings Mills, Maryland.

CONCLUSION

The above statements, supported by the attached documents, clearly demonstrate the necessity for the specialty occupation services of a Senior Systems Security Analyst at T. Rowe Price. Mr. Xu is well qualified for the offered position, as confirmed by his Master's degree with a concentration in Enterprise Risk Management and prior experience. He will be compensated with a yearly salary of \$90,000.

I hereby affirm that all of the above is true and correct, and am aware that this information will be considered by the U.S. Government in issuing non-immigrant work authorization to Mr. Xu as a Senior Systems Security Analyst at T. Rowe Price in Owings Mill, Maryland. Thank you for your professional and prompt attention to this matter.

Respectfully submitted,



Rebecca Sudano
Global Mobility Specialist

Exhibit 2

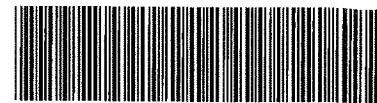
January 8, 2019

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479

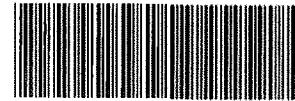


U.S. Citizenship
and Immigration
Services

T ROWE PRICE ASSOCIATES INC
c/o SHANNON A DONNELLY
BAKER & MCKENZIE LLP
815 CONNECTICUT AVE NW
WASHINGTON, DC 20006



EAC1906351454



A140-041-885

RE: WEILIAN XU
I-129, Petition for a Nonimmigrant Worker

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by April 5, 2019.

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. See Title 8 Code of Federal Regulations (8 CFR), Section 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and complete English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your form or benefit request will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS Contact Center (UCC) at **1-800-375-5283**. If you are hearing impaired, please call the UCC TDD at **1-800-767-1833**.

E38

Introduction

U.S. Citizenship and Immigration Services (USCIS) has reviewed your petition/application and supporting evidence. You did not submit sufficient evidence to establish that the beneficiary possesses the minimum qualifications necessary for a Computer Systems Analyst position and that the proffered position is a specific specialty occupation. Therefore, additional evidence is needed.

Beneficiary Qualifications

In order to be qualified to perform services in a specialty occupation, the beneficiary must meet one of the following criteria:

- Hold a U.S. bachelor's or higher degree required by the specialty occupation from an accredited college or university; or
- Hold a foreign degree determined to be equivalent to a U.S. bachelor's or higher degree required by the specialty occupation from an accredited college or university; or
- Hold an unrestricted state license, registration or certification which authorizes him or her to fully practice the specialty occupation and be immediately engaged in that specialty in the state of intended employment; or
- Have education, specialized training, and/or progressively responsible experience that is equivalent to completion of a U.S. bachelor's or higher degree in the specialty occupation, and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.

USCIS interprets the term "degree" to mean not just any degree, but one in a specific specialty that is directly related to the offered position. For purposes of determining equivalency to a baccalaureate degree in the specialty, three years of specialized training and/or work experience must be demonstrated for each year of college level training the beneficiary lacks. For equivalence to an advanced (or Master's) degree, the beneficiary must have a baccalaureate degree followed by at least five years of experience in the specialty. If required by the specialty, the beneficiary must hold a Doctorate or its foreign equivalent.

To satisfy this requirement, your organization submitted:

- Petition;
- Petitioner support letter;
- ETA Form 9035/9035E, Labor Condition Application (LCA) for Nonimmigrant Workers;
- Form(s) I-20, Certificate of Eligibility for Nonimmigrant Student Status;
- Beneficiary identity documents;
- Beneficiary pay stubs;
- Information about your company; and
- Beneficiary's educational credentials.

The evidence you submitted is insufficient to satisfy this requirement. USCIS routinely consults the U.S. Department of Labor's *Occupational Outlook Handbook (OOH)* for information about the educational requirements of particular occupations. The *OOH* states the following regarding the typical duties if a Computer Systems Analyst:

"Computer Systems Analysts, sometimes called systems architects, study an organization's current computer systems and procedures, and design solutions to help the organization operate more efficiently and effectively. They bring business and information technology (IT) together by understanding the needs and limitations of both."

The evidence submitted indicates the beneficiary possesses a Masters Degree in Business Administration. The record does not sufficiently establish that the beneficiary possesses the necessary credentials for a Computer Systems Analyst position.

You may submit additional evidence to satisfy this requirement. Evidence may include, but is not limited to, a combination of the following or similar type of evidence:

- Documents to show the beneficiary completed the requirements to obtain a U.S. bachelor's degree or higher from an accredited college or university at the time of filing.
- Documents to show the beneficiary's U.S. degree was issued by an accredited U.S. college or university.
- Documents to show the beneficiary's degree is required by the proffered position.
- Documents to show the beneficiary obtained a bachelor's degree or higher in the specific specialty required by the proffered position.
- Copies of the beneficiary's college or university transcripts, which include all courses taken toward the degree. The transcripts should be signed and dated by the person in charge of the records.
- Copies of course catalogs from the college or university where the beneficiary obtained the degree(s).
- Evidence establishing that the knowledge and education in the Business Administration-field is directly related to and required by the position.
- Evidence that the beneficiary's foreign education is equivalent to a U.S. bachelor's or higher degree that is required by the position.
- Evidence that the position requires a state license, registration or certification; and that the beneficiary possesses such state license, registration or certification to practice the specialty occupation and be immediately engaged in that specialty in the state of intended employment.
- An advisory evaluation of the beneficiary's foreign educational credentials by a credentials evaluation service that specializes in evaluating foreign educational credentials. This evaluation should:
 - Address the beneficiary's educational achievements as to equivalent education in the United States including the field of study;
 - Consider formal post-secondary education only and not training and experience;
 - Provide a detailed description of the material evaluated rather than conclusions;
 - Provide a brief description of the qualifications and experience of the evaluator;
 - Include all documentation provided by the beneficiary for the evaluation; and
 - Cite any reference material used by the evaluator.
- An evaluation from an official who has authority to grant college-level credit for training and/or experience in the specialty.
 - The evaluation must be from an accredited college or university that has a program for granting such credit in the field of study based on an individual's training and/or work experience;
 - The evaluation by a college official, preferably the registrar, should be on behalf of the college or university where he or she is employed. The evaluation should describe the material evaluated and establish that the areas of experience are related to the specialty. Résumés or curriculum vitae alone are usually insufficient to satisfy this requirement;
 - A letter from the registrar of the institution (on the institution's letterhead) to establish that the particular evaluating official is authorized to grant college-level credit on behalf of their institution, and that the evaluator holds a bachelor's degree in the field of study the official is evaluating. Further, provide written verification or other documents or records to substantiate that the evaluator is actually employed by the claimed college or university. Additionally, include evidence that the institution is accredited;

- Copies of pertinent pages from the college or university catalog to show that it has a program for granting college-level credit based on training and/or experience. Stating in a letter that the school has such a program may not be sufficient. Also, training or experience derived from internship programs may not satisfy this requirement unless you can establish that the experience or training claimed was gained through enrollment in the particular college or university's internship program; and
- Evidence to show the total amount of college credit the registrar or evaluator may grant for training or experience as part of the program. The evaluator may provide copies of the evaluation made by a school official, preferably the registrar, which shows how the beneficiary met the college or university's program requirements and how many college credits the beneficiary may be granted for the beneficiary's training and experience.
- The results of recognized college-level equivalency examinations or special credit programs, such as the College Level Examination Program (CLEP), or Program on Noncollegiate Sponsored Instruction (PONSI).
- Evidence of the beneficiary's certification or registration from a nationally-recognized professional association or society that is known to grant certification or registration to persons in the beneficiary's occupational specialty who have achieved a certain level of competence in the specialty.
- Documentary evidence showing the number of years of specialized training, and/or progressively responsible work experience in the field related to the specialty.
- Copies of affidavits from present or former employers.
- Copies of personnel records.
- Copies of performance evaluations and/or pay records.
- Copies of any other documents that reflect promotion or the achievement of progressively responsible positions directly related to the specialty that demonstrate that the beneficiary's training and/or work experience included:
 - The theoretical and practical application of specialized knowledge required by the specialty occupation;
 - That the beneficiary's experience was gained while working with peers, supervisors, or subordinates who have a degree or its equivalent in the specialty occupation; and
 - That the experience was progressively responsible.
- If you are claiming that the beneficiary has education, specialized training, and/or progressively responsible experience that is equivalent to completion of a U.S. bachelor's or higher degree in the specialty occupation; you must also show that the beneficiary has recognition of expertise in the specialty, through progressively responsible positions directly related to the specialty. Evidence of recognition of expertise must consist of at least one of the following types of evidence:
 - Recognition of expertise in the specialty occupation by at least two recognized authorities in the same specialty occupation;
 - Membership in a recognized foreign or U.S. association or society in the specialty occupation;
 - Published material by or about the beneficiary in professional publications, trade journals, books, or major newspapers;
 - Licensure or registration to practice the specialty occupation in a foreign country; or
 - Achievements that a recognized authority has determined to be significant contributions to the field of the specialty occupation.

A recognized authority means a person or an organization with expertise in a particular field, and the expertise to render the type of opinion requested. Such opinion must state: the writer's qualifications as an expert; the writer's experience giving such opinions, citing specific instances where past opinions have been accepted as authoritative and by whom; how the conclusions were reached; and

the basis for the conclusions supported by copies or citations of any research material used.

Specialty Occupation

You must establish that the beneficiary's proffered position is a specialty occupation. A specialty occupation is one that requires the theoretical and practical application of a body of highly specialized knowledge and that requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

To satisfy this requirement, your organization submitted:

- Petition;
- Petitioner support letter;
- ETA Form 9035/9035E, Labor Condition Application (LCA) for Nonimmigrant Workers;
- Form(s) I-20, Certificate of Eligibility for Nonimmigrant Student Status;
- Beneficiary identity documents;
- Beneficiary pay stubs;
- Information about your company; and
- Beneficiary's educational credentials.

Specialty Occupation Determination

You must establish that the proffered position is a specialty occupation as defined above. U.S. Citizenship and Immigration Services (USCIS) interprets "a bachelor's degree or higher in a specific specialty" as used above as "one that relates directly to the duties and responsibilities of a particular position." See *Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 147 (1st Cir. 2007).

You indicate that the minimum entry requirements for the proffered position are a wide variety of disparate fields of study, as the offered position requires a bachelor's degree in Enterprise Risk Management. However, there must be a close correlation between the required "body of highly specialized knowledge" and the position. A minimum entry requirement of a bachelor's degree in disparate fields of study, would not meet the requirement that the position requires a degree "in the specific specialty (or its equivalent)" unless you establish how each field is directly related to the duties and responsibilities of the particular position.

The evidence you submitted is insufficient to establish how each field is directly related to the duties and responsibilities of the particular position, and therefore, that the position is a specialty occupation.

You indicate that one of the minimum entry requirements for the proffered position is a degree in Enterprise Risk Management without further specialization or explanation. You have not explained how this generalized field is a "body of highly specialized knowledge" that is directly related to the duties and responsibilities of the proffered position and/or how each of the fields of study under this generalized heading would relate to the duties and responsibilities of the proffered position.

Accordingly, on the basis of the position's educational requirements alone, you have not established that the position is in a specialty occupation as defined above.

You may still provide evidence to meet this requirement. Evidence may include, but is not limited to:

- A letter explaining how each field of study listed as a qualifying field for the proffered position is directly related to the duties and responsibilities of the position.
- An expert opinion letter discussing how each field of study listed as a qualifying field for the

proffered position is directly related to the duties and responsibilities of the position.

Qualifying Criteria

To qualify as a specialty occupation, the position must meet at least one of the following criteria.

USCIS will discuss each of the qualifying criteria for specialty occupation below. With your response, identify which of the specialty occupation qualifying criteria you believe has been satisfied. If you believe the offered position satisfies multiple criteria, identify the evidence that you believe satisfies each criterion.

1. Degree is Normally Minimum Requirement

You may establish eligibility by showing that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position.

The evidence you submitted is insufficient to establish eligibility under this criterion. You state in your petition that the proffered position for the beneficiary is "Senior Systems Security Analyst". You submitted a certified LCA which lists the SOC (ONET/OES) code number as 15-1121 and the Occupation Title of Computer Systems Analyst.

USCIS routinely references information provided in the Department of Labor's *Occupational Outlook Handbook (OOH)* which discusses the educational prerequisites for positions. The *OOH* indicates the following educational requirements for Computer Systems Analysts positions:

"A bachelor's degree in a computer or information science field is common, although not always a requirement. Some firms hire analysts with business or liberal arts degrees who have skills in information technology or computer programming."

Accordingly, a range of educational credentials, including those less than a bachelor's degree in a specific specialty may qualify an individual to perform the duties of a Computer Systems Analyst.

Furthermore, as the *OOH* does not indicate that Computer Systems Analysts positions specifically require a minimum of a baccalaureate degree in a *specific* specialty, or its equivalent, it does not establish that this is a specialty occupation.

Furthermore, your petitioner support letter also states that the minimum requirements for the position include a Bachelor's Degree in Enterprise Risk Management or a related field. Accordingly, a wide range of educational credentials, including in a non-specific specialty may qualify an individual to perform the duties of a Senior Systems Security Analyst.

Thus you have not established how your particular position, which does not require a bachelor's degree in a specific specialty, relates to the Computer Systems Analyst position listed in the *OOH* and how the information in the *OOH* listing demonstrates that a bachelor's or higher degree in a specific specialty, or its equivalent, is normally the minimum requirement for entry into your particular position.

Moreover, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the proffered position is directly related to the duties and responsibilities of the position. Therefore, you have not established that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position by your own educational requirements.

As such, you have not sufficiently established that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- Relevant documentation from an authoritative career resource, such as the *OOH*, which list the duties, work environment, education, training, skills, and other qualification requirements for the occupation. Include a statement describing how the particular position relates to the occupation listed in the career guide and how the information in the career guide demonstrates that a bachelor's or higher degree in a specific specialty or its equivalent is normally the minimum requirement for the particular position.
- Any evidence you believe will establish that a bachelor's or higher degree or its equivalent is normally the minimum requirement for entry into the particular position.

2.1 Degree Common to the Industry

You may establish eligibility by showing that the degree requirement of a bachelor's degree or higher in a specific specialty, or its equivalent, is common to the industry in parallel positions among similar organizations.

You did not submit evidence to establish eligibility under this criterion.

Moreover, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the proffered position is directly related to the duties and responsibilities of the position. Accordingly, it is not apparent how a bachelor's degree or higher in a specific specialty, or its equivalent, is common to the industry in parallel positions among similar organizations, if it is not the requirement of your own position.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- Job postings or advertisements showing a degree requirement of a bachelor's degree or higher in a specific specialty, or its equivalent, is common to the industry in parallel positions among similar organizations. Any job postings or advertisements should be supported by documentation of the following:
 - The date and source of the job posting or announcement;
 - A detailed description of the duties of the position and the educational, training, and experience requirements of the position;
 - The company or firm offering the position in these job postings or announcements is within your industry and is similar to your organization; and
 - The job postings or advertisements represent the industry standards for the position.
- Letters from an industry-related professional association indicating that similar organizations routinely employ and recruit only individuals with a bachelor's degree or higher in a specific specialty, or its equivalent for parallel positions.
- Copies of letters or affidavits from firms or individuals in the industry attesting that similar organizations routinely employ and recruit only individuals with a bachelor's degree or higher in a specific specialty, or its equivalent for parallel positions. Any letter or affidavit should be supported by documentation of the following:
 - The writer's qualifications as an expert;

- How the writer's conclusions were reached; and
- The basis for the writer's conclusions, supported by copies or citations of any materials used.

2.2 Position So Complex or Unique

You may establish eligibility by showing that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.

You did not submit evidence to establish eligibility under this criterion.

Moreover, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the proffered position is directly related to the duties and responsibilities of the position. Accordingly, it is not apparent that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent, based on your own educational requirements.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- Letters from an industry-related professional association indicating that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.
- Copies of letters or affidavits from firms or individuals in the industry attesting that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent. Any letter or affidavit should be supported by documentation of the following:
 - The writer's qualifications as an expert;
 - The writer's knowledge of your business;
 - How the writer's conclusions were reached; and
 - The basis for the writer's conclusions, supported by copies or citations of any materials used.
- Copies of trade publications or other articles within your industry which demonstrate and highlight the specific complex or unique functions of the particular position, which can only be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.

3. Employer Normally Requires Degree or its Equivalent

You may establish eligibility by showing that you normally require a bachelor's degree or higher in a specific specialty, or its equivalent, for the position.

You did not submit evidence to establish eligibility under this criterion.

Moreover, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the proffered position is directly related to the duties and responsibilities of the position. Accordingly, you have not established that you normally require a bachelor's degree or higher in a specific specialty, or its equivalent, based on your own educational requirements.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- An organizational chart showing your hierarchy and staffing levels with corresponding educational and experience requirements for the positions. The educational requirements should include the field of study (e.g. computer science) in addition to the educational level (e.g. bachelor's degree).
- Copies of present and past job postings or announcements for the proffered position showing that you require or, if the beneficiary will perform services for an end-client, the end-client requires applicants to have a minimum of a bachelor's or higher degree in a specific specialty or its equivalent.
- Documentary evidence of your past employment practices for the position, including:
 - Documentation which lists the number of employees hired in the most recent two years for the position;
 - Copies of employment or pay records identifying past and present employees in this position; and
 - Copies of degrees and/or transcripts to verify the level of education and field of study of each individual hired for this position in the last two years. Additionally, provide evidence to establish the duties that the individuals performed, such as official position descriptions, job offer letters, job postings, or performance reviews.
- Documentation which lists the educational, experience, training, and skills requirements of the offered position, such as official position descriptions, job offer letters, or job postings.

4. Nature of Specific Duties So Specialized and Complex

You may establish eligibility by demonstrating that the nature of the specific duties of the offered position are so specialized and complex that the knowledge required to perform these duties is usually associated with the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent.

You did not submit evidence to establish eligibility under this criterion.

Moreover, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the proffered position is directly related to the duties and responsibilities of the position. Accordingly, it is not apparent that the nature of the specific duties of the offered position are so specialized and complex that the knowledge required to perform these duties is usually associated with the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, based on your own educational requirements.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- An explanation of the specific duties, as they relate to your products and services, and how the nature of those duties of the offered position are so specialized and complex, that they are usually associated with the attainment of a bachelor's degree or higher in a specific specialty; provide an explanation of what differentiates your products and services from other employers in the same industry. Be specific and provide documentation to support any explanation of specialization and complexity.
- Copies of letters or affidavits from firms, individuals, professional associations, or customers attesting that the nature of your products and services are so specialized and complex that a bachelor's level of education, or higher, in a specific specialty is a prerequisite for entry into the offered position. Any letter or affidavit should be supported by documentation of the following:
 - The writer's qualifications as an expert;

- How the writer's conclusions were reached; and
- The basis for the writer's conclusions, supported by copies or citations of any materials used.
- Copies of trade publications or other articles about your company that highlights the nature of your products and services and demonstrates that the specific duties of the offered position are so specialized and complex that a bachelor's level of education, or higher, in a specific specialty is a prerequisite for entry into the position.

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS
WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
75 LOWER WELDEN ST
ST ALBANS VT 05479

Exhibit 3

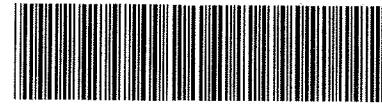
March 25, 2019

U.S. Department of Homeland Security

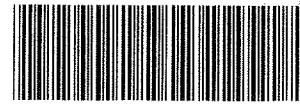
U.S. Citizenship and Immigration Services
Vermont Service Center
30 Houghton St (VSC Premium Processing)
St. Albans, VT 05478-2399



**U.S. Citizenship
and Immigration
Services**



EAC1906351454



A140-041-885

T ROWE PRICE ASSOCIATES INC
c/o REBECCA SUDANO GLOBAL MOB SPC
4515 PAINTERS MILL RD BLDG 4
OWINGS MILLS, MD 21117

Beneficiary: XU, WEILIAN

I-129, Petition for a Nonimmigrant Worker

DECISION

Dear Sir or Madam,

On December 18, 2018, you filed a Form I-129, Petition for a Nonimmigrant Worker to classify the beneficiary under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act).

Section 101(a)(15)(H)(i)(b) of the Act relates to an alien:

...who is coming temporarily to the United States to perform services...in a specialty occupation described in section 214(i)(1)..., who meets the requirements for the occupation specified in section 214(i)(2)..., and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under 212(n)(1).

Further, section 214(i)(1) of the Act defines "specialty occupation" as:

... an occupation that requires--

- (A) theoretical and practical application of a body of highly specialized knowledge, and
- (B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

"Specialty occupation" is defined at Title 8 Code of Federal Regulations (8 CFR), section 214.2(h)(4)(ii) as:

...an occupation which requires theoretical and practical application of a body of highly specialized knowledge in such fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties,

accounting, law, theology, and the arts, and which requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

Additionally, 8 CFR, section 214.2(h)(4)(iii)(A) requires a specialty occupation to meet one of the following criteria:

- (1) A baccalaureate or higher degree or its equivalent is normally the minimum requirement for entry into the particular position;
- (2) The degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, an employer may show that its particular position is so complex or unique that it can be performed only by an individual with a degree;
- (3) The employer normally requires a degree or its equivalent for the position; or
- (4) The nature of the specific duties is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

To be consistent with section 214(i)(1) of the Act, U.S. Citizenship and Immigration Services (USCIS) interprets the term "degree" set forth in the criteria at 8 CFR, section 214.2(h)(4)(iii)(A) to mean not just any baccalaureate or higher degree, but one in a specific specialty that is directly related to the offered position.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

The record shows your organization was established in 1937 as T. Rowe Price Associates Inc.. You have 6,400 current employees. You seek to employ the beneficiary in the position of Senior Systems Security Analyst for a temporary period of three (3) years. You provided a certified labor condition application (LCA) which includes a signed statement that you will comply with the terms of the LCA. The beneficiary possesses a Masters of Business Administration and a Bachelor's degree with a major in Enterprise Risk Management.

In evaluating your eligibility, USCIS must determine whether you have established that the offered position qualifies as a specialty occupation.

USCIS does not use the job title, by itself, when determining whether a particular position qualifies as a specialty occupation. The specific duties of the offered position, combined with the nature of the petitioning entity's business operations, are factors that USCIS considers. With the initial filing, you described the duties of the position, which include, but are not limited to, the following:

- Build reliable solutions based upon knowledge of complex data models, and build logic that bridges the gap in data flow across dozens of systems;
- Create best practices for development in the IAM space including code migration and management; and
- Evaluate applications and application systems to ensure that business needs are met or exceeded, with a minimal degree of risk to the firm (Risk Management).

Additionally, you provided the following evidence to establish that the offered position qualified as a specialty occupation:

- Petition;
- Petitioner support letter;
- ETA Form 9035/9035E, Labor Condition Application (LCA) for Nonimmigrant Workers;
- Prior approval notices;
- Form(s) I-20, Certificate of Eligibility for Nonimmigrant Student Status;
- Beneficiary identity documents;
- Beneficiary pay stubs;

- Information about your company; and
- Beneficiary's educational credentials.

On January 8, 2019, USCIS informed you in a Request for Evidence (RFE), that the initial evidence did not establish that the job offered requires the services of a person performing the duties of a specialty occupation. You were requested to submit evidence showing that the offered position qualifies as a specialty occupation.

On March 13, 2019, USCIS received your response, which included the following:

- Attorney support letter;
- OOH printouts;
- O*NET printouts;
- Letter from CPA journal;
- Petitioner support letter;
- Work examples; and
- Two position opinion letters.

In accordance with *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010), USCIS has examined the evidence of record for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, and determined that you have not established eligibility for the requested classification by a preponderance of the evidence. A detailed discussion of the grounds for denial and the related evidence follows.

Specialty Occupation Determination

You must establish that the offered position is a specialty occupation as defined above. USCIS interprets "a bachelor's degree or higher in a specific specialty" as used above as "one that relates directly to the duties and responsibilities of a particular position." See *Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 147 (1st Cir. 2007).

wide variety You indicated that the minimum entry requirements for the offered position are a wide variety of disparate fields of study, as the offered position requires a bachelor's degree in Enterprise Risk Management or a related field. However, there must be a close correlation between the required "body of highly specialized knowledge" and the position. A minimum entry requirement of a bachelor's degree in disparate fields of study, does not meet the requirement that the position requires a degree "in the specific specialty (or its equivalent)" unless you establish how each field is directly related to the duties and responsibilities of the particular position.

As discussed in the RFE, the initial evidence was insufficient to establish how each field is directly related to the duties and responsibilities of the particular position, and therefore, that the position is a specialty occupation. You were requested to submit evidence to establish that each qualifying field is directly related to the duties and responsibilities of the offered position.

You indicated that one of the minimum entry requirements for the offered position is a degree in Enterprise Risk Management without further specialization or explanation. In your response, you have not sufficiently explained how this generalized field is a "body of highly specialized knowledge" that is directly related to the duties and responsibilities of the offered position and/or how each of the fields of study under this generalized heading would relate to the duties and responsibilities of the offered position.

The included news article regarding Enterprise Risk Management discusses the field of Enterprise Risk Management and its intersect in the IT industry. While this article provides general information, it is insufficient in establishing how this generalized field is a "body of highly specialized knowledge" that is directly related to the duties and responsibilities of the offered position and/or how each of the fields of study under this generalized heading would relate to the duties and responsibilities of the offered position.

Furthermore, your opinion/evaluation letter included with your RFE only lists general information regarding anecdotal experiences of the author and requests contact for specific information. While the statements included therein provide an opinion, the statements are not supported by any corroborating evidence such as job postings from your organization referencing similar positions and/or additional corroborating evidence to support the statements contained therein.

Accordingly, on the basis of the position's educational requirements alone, you have not established that the position is in a specialty occupation as defined above. Therefore, the evidence of record does not satisfy the requirements of section 214(i)(1) of the Act: that the occupation requires the theoretical and practical application of a body of highly specialized knowledge and the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States. (01)

In addition, the evidence of record does not establish that the offered position as described meets any of the four criteria specified in 8 CFR, section 214.2(h)(4)(iii)(A). A detailed analysis of the evidence provided in relation to those four criteria follows.

Qualifying Criteria

To qualify as a specialty occupation, the position must have met at least one of the following criteria. USCIS will discuss each of the qualifying criteria for specialty occupation below.

I. Discussion of 8 CFR, section 214.2(h)(4)(iii)(A)(1) Degree is Normally Minimum Requirement

To meet this criterion, you must submit evidence showing that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position.

You state in your petition that the proffered position for the beneficiary is "Senior Systems Security Analyst". You submitted a certified LCA which lists the SOC (ONET/OES) code number as 15-1121 and the Occupation Title of Computer Systems Analyst.

USCIS routinely references information provided in the Department of Labor's *Occupational Outlook Handbook (OOH)* which discusses the educational prerequisites for positions. The *OOH* indicates the following educational requirements for Computer Systems Analysts positions:

"A bachelor's degree in a computer or information science field is common, although not always a requirement. Some firms hire analysts with business or liberal arts degrees who have skills in information technology or computer programming."

Accordingly, a range of educational credentials, including those less than a bachelor's degree in a specific specialty may qualify an individual to perform the duties of a Computer Systems Analyst.

Furthermore, as the *OOH* does not indicate that Computer Systems Analysts positions specifically require a minimum of a baccalaureate degree in a *specific* specialty, or its equivalent, it does not establish that a bachelor's degree in a specific specialty, or equivalent, is the normal minimum entry requirement for Computer Systems Analyst positions.

You submitted an online summary report from O*NET for the position of Computer Systems Analyst. The O*NET provides only general information regarding the tasks and work activities associated with a particular occupation. The O*NET is not designed to assess the specialty occupation status of either occupations or particular positions within them. Rather, the O*NET and its Job Zone and Specific Vocational Preparation (SVP) ratings are meant to indicate only the total number of years of vocational preparation required for a particular position. The O*NET does not describe how those years are to be divided among training, formal

education and experience. In addition, the *O*NET* makes no reference to a degree requirement in a specific field of study.

Furthermore, your opinion/evaluation letter included with your RFE only lists general information regarding anecdotal experiences of the author and requests contact for specific information and does not provide specific information on the proffered position at hand and how the proffered position is similar. While the statements included therein provide an opinion, the statements are not supported by any corroborating evidence such as job postings from your organization referencing similar positions and/or additional corroborating evidence to support the statements contained therein.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

Additionally, simply going on record without supporting documentary evidence is not sufficient for meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

Moreover/However, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the offered position is directly related to the duties and responsibilities of the position. Therefore, you have not established that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position by your own educational requirements.

Therefore, the evidence of record does not satisfy the criterion at 8 CFR, section 214.2(h)(4)(iii)(A)(1): that a baccalaureate or higher degree, or its equivalent, in a specific specialty, is normally the minimum requirement for entry into the particular position.

II. Discussion of 8 CFR, section 214.2(h)(4)(iii)(A)(2)

Part 1 – Common to the Industry

To meet this criterion, you must submit evidence showing that the degree requirement of a bachelor's degree or higher in a specific specialty, or its equivalent, is common to the industry in parallel positions among similar organizations.

As stated above, the *OOH* does not indicate that Computer Systems Analysts positions specifically require a minimum of a baccalaureate degree in a *specific* specialty, or its equivalent. As such, it does not establish that a bachelor's degree in a specific specialty, or equivalent, is the normal minimum entry requirement for Computer Systems Analyst positions.

Furthermore, your opinion/evaluation letters state that their graduates typically go on to a variety of analyst type positions. However, these statements are not supported by corroborating evidence such as job postings for similar positions.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

Additionally, simply going on record without supporting documentary evidence is not sufficient for meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

Therefore, the evidence of record does not satisfy the first part of the criterion at 8 CFR, section 214.2(h)(4)(iii)(A)(2): that the degree requirement in a specific specialty is common to the industry in parallel



positions among similar organizations.

Part 2 – So Complex or Unique

To meet this criterion, you must submit evidence showing that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.

The submitted opinion and support letters reference the included job duties as evidence that the proffered position's duties are so complex or unique that a Bachelor's Degree in a specific specialty is required to complete them. While the statements contained therein provide an opinion, they are not supported by any corroborating evidence such as comparative analysis of other related positions indicating why this particular position is more complex and highly specialized in comparison to other similar Computer Systems Analyst positions, or other additional supplementary evidence to support the statements included in the submitted letters/evaluation.

As stated above, the *OOH* does not indicate that Computer Systems Analysts positions specifically require a minimum of a baccalaureate degree in a *specific* specialty, or its equivalent. You did not demonstrate how the proffered position's level of complexity requires a higher degree requirement than the industry standard.

Additionally, while the job duties and position description provided with your evidence provide a general overview of the beneficiary's anticipated position, this statement and duties list are broad in nature and lack sufficient detail. Furthermore, you did not submit additional corroborating evidence to support your statements regarding the complexity of the position.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

Moreover/However, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the offered position is directly related to the duties and responsibilities of the position. Accordingly, the record does not establish that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent, based on your own educational requirements.

Therefore, the evidence of record does not satisfy the second part of the criterion at 8 CFR, section 214.2(h)(4)(iii)(A)(2): that the employer's particular position is so complex or unique that it can be performed only by an individual with a degree in a specific specialty.

III. Discussion of 8 CFR, section 214.2(h)(4)(iii)(A)(3) Petitioner Normally Requires Degree or its Equivalent

To meet this criterion, you must submit evidence showing that you normally require a bachelor's degree or higher in a specific specialty, or its equivalent, for the position.

As stated above, the *OOH* does not indicate that Computer Systems Analysts positions specifically require a minimum of a baccalaureate degree in a *specific* specialty, or its equivalent. As such, it does not establish that a bachelor's degree in a specific specialty, or equivalent, is the normal minimum entry requirement for Computer Systems Analyst positions.

Furthermore, your opinion/evaluation letters state that their graduates typically go on to a variety of analyst type positions. However, these statements are not supported by corroborating evidence such as job postings for similar positions and include no information regarding similar positions at your organization.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

Additionally, simply going on record without supporting documentary evidence is not sufficient for meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

While you claim that the offered position requires a degree, your opinion alone cannot establish the position as a specialty occupation. The critical element is not the title of the position or an employer's self-imposed standards, but whether the position actually requires the theoretical and practical application of a body of highly specialized knowledge, and the attainment of a baccalaureate or higher degree in the specific specialty, as the minimum for entry into the occupation as required by the Act. If USCIS was limited solely to reviewing a petitioner's self-imposed requirements, then any individual with a bachelor's degree could be brought to the United States to perform any occupation as long as the employer required the individual to have a baccalaureate or higher degree. *See Defensor v. Meissner*, 201 F.3d. 384 (5th Cir. 2000).

Moreover/However, as discussed above, you have not established how each of the qualifying fields of study that you have listed for the offered position is directly related to the duties and responsibilities of the position. Accordingly, you have not established that you normally require a bachelor's degree or higher in a specific specialty, or its equivalent, based on your own educational requirements.

Therefore, the evidence of record does not satisfy the third criterion at 8 CFR, section 214.2(h)(4)(iii)(A)(3): that the employer normally requires a degree, or its equivalent, in a specific specialty for the position.

IV. Discussion of 8 CFR, section 214.2(h)(4)(iii)(A)(4)

Knowledge Required to Perform Specified Duties is Associated with Degree

To meet this criterion, you must submit evidence demonstrating that the nature of the specific duties of the offered position are so specialized and complex that the knowledge required to perform these duties is usually associated with the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent.

The submitted opinion and support letters reference the included job duties as evidence that the proffered position's duties are so complex or unique that a Bachelor's Degree in a specific specialty is required to complete them. While the statements contained therein provide an opinion, they are not supported by any corroborating evidence such as comparative analysis of other related positions indicating why this particular position is more complex and highly specialized than other Computer Systems Analyst positions, or other additional supplementary evidence to support the statements included in the submitted letters/evaluation.

As stated above, the *OOH* does not indicate that Computer Systems Analysts positions specifically require a minimum of a baccalaureate degree in a *specific* specialty, or its equivalent. You did not demonstrate how the proffered position's level of complexity requires a higher degree requirement than the industry standard.

Additionally, while the job duties and position description provided with your evidence provide a general overview of the beneficiary's anticipated position, this statement and duties list are broad in nature and lack sufficient detail. Furthermore, you did not submit additional corroborating evidence to support your statements regarding the complexity of the position.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

Moreover/However, as discussed above, you have not established how each of the qualifying fields of study



that you have listed for the offered position is directly related to the duties and responsibilities of the position. Accordingly, the record does not establish that the nature of the specific duties of the offered position are so specialized and complex that the knowledge required to perform these duties is usually associated with the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, based on your own educational requirements.

Therefore, the evidence of record does not satisfy the criterion at 8 CFR, section 214.2(h)(4)(iii)(A)(4): that the nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree in a specific specialty.

Decision

The record does not establish that the job offered satisfies the requirements of section 214(i)(1) of the Act. Further, you have not demonstrated that any of the four factors enumerated in 8 CFR 214.2(h)(4)(iii)(A), above, are present in this proceeding. As such, the evidence of record does not establish that the job offered qualifies as a specialty occupation under section 101(a)(15)(H)(i)(b) of the Act. Therefore, your petition is denied.

USCIS is not obligated to approve applications or petitions where eligibility has not been demonstrated. See *Matter of M-*, 4 I & N Dec. 532 (A.G. 1952; BIA 1952); *Pearson v. Williams*, 202 U.S. 281 (1906); *Mannerfrid v. Brownell*, 145 F. Supp. 55 (D.D.C. 1956), affirmed 238 F. 2nd. 32 (D.C. Cir. 1956); *Lazarescu v. United States*, 199 F. 2nd 898 (4th Cir. 1952); and U.S. ex. rel. *Vajta v. Watkins*, 179 F. 2nd 137 (2nd Cir. 1950).

Therefore, your petition is denied.

If applicable, the portion of the petition requesting an extension of stay or change of status for the beneficiary is also denied because the nonimmigrant visa petition filed in the beneficiary's behalf is denied.

If you disagree with this decision, or if you have additional evidence that shows this decision is incorrect, you may file a motion or appeal of this decision by completing a Form I-290B, Notice of Appeal or Motion. You may also include a brief or other written statement in support of your appeal. The appeal must be filed within 33 days from the date of this notice. If an appeal or a motion is not filed within 33 days, this decision is final.

You must send your completed Form I-290B and supporting documentation with the appropriate filing fee to:

USCIS 290B
PO Box 21100
Phoenix AZ 85036

To obtain the Form I-290B, visit www.uscis.gov/forms. For the latest information on filing location, fee, and other requirements, refer to the Form I-290B instructions; review 8 CFR 103.3 or 103.5; call our USCIS Contact Center at 1-800-375-5283; or visit your local USCIS office.

The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO) at the Small Business Administration. The ONO assists small businesses with issues related to federal regulations. If you are a small business with a comment or complaint about regulatory enforcement, you may contact the ONO at www.sba.gov/ombudsman or phone 202-205-2417 or fax 202-481-5719.

Sincerely,



Laura B. Zuchowski

Director



Exhibit 4



February 27, 2019

Premium Processing
USCIS Vermont Service Center
ATTN: I-129/H-1B RFE Response
30 Houghton Street
St. Albans, VT 05478-2399

Re: **RESPONSE TO REQUEST FOR EVIDENCE**
Petitioner: **T. Rowe Price Associates, Inc.**
Beneficiary: **Mr. Weilian XU**
Receipt No.: **EAC1906351454**

Dear Sir or Madam:

T. Rowe Price Associates, Inc. ("T. Rowe Price") submits this letter in response to the Request for Evidence ("RFE") issued in the above-referenced H-1B petition filed on behalf of Mr. Weilian Xu.

USCIS has requested additional evidence to establish that the position of Sr. Systems Security Analyst qualifies as an H-1B specialty occupation, requiring the attainment of at least a Bachelor's degree in Enterprise Risk Management or a related field. T. Rowe Price respectfully posits that, through this letter and the enclosed supporting documentation, it has established that Mr. Weilian Xu's proposed position as Sr. Systems Security Analyst is a specialty occupation.

Mr. Xu's proposed position of Sr. Systems Security Analyst is a specialty occupation because **the nature of the specific duties is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree and T. Rowe Price normally requires a degree or its equivalent for the position.** Below, we provide the additional information requested by USCIS and further clarify the nature of the complex and advanced duties of the Sr. Systems Security Analyst position with T. Rowe Price.

By way of background, T. Rowe Price is an American publicly owned global asset management firm that offers funds, advisory services, account management, and retirement plans and services for individuals, institutions, and financial intermediaries. It is worth noting that this is a unique role within the T. Rowe Price organization. We understand that there may be some confusion related to the overlap of quantitative and technical duties. As part of the Development Team of our Identity and Access Management product, the duties of the position require the theoretical and practical application of a combination of business analysis skills in security and risk management, and technical skills and experience in data analysis and database development. Accordingly, we require someone with a Bachelor degree in Enterprise Risk Management or a related field.

Mr. Xu has been offered the position of Sr. Systems Security Analyst, where he will use business analysis skills to understand and analyze the requirement from both various teams inside Enterprise Security, such as IAM Operation Team, NetSec team, System Security Analyst Team, and external business teams across the firm, such as Human Resource, Auditing, and Compliance teams. He will need to analyze complex business process in the Enterprise Security sector and Identity and Access Management; translate business requirement into technical requirement; communicate with security analysts, engineers,

developers, and project managers to define solution; and identify potential risks and vulnerabilities of the solution and implementation. Additionally, the position must frequently conduct data analysis, design complex data modeling, and develop reporting and data visualization.

As the description suggests, the position involves duties at the intersection between business analytics, enterprise risk management, and data analytics related to the analysis of system security of the Identity and Access Management application and various IAM business process, the evaluation of applications and application systems to ensure that business needs are met or exceeded, with a minimal degree of risk to the firm, which includes the identification and remediation of vulnerabilities, software and application testing, providing design and coding guidance, and serving as a consultant to other business units.

We provide the following chart clarifying previously submitted details regarding the job description, with the percentage of time spent on each duty and the relevant education possessed by Mr. Xu required to perform the tasks:

Job Duties	Detailed Description of Duties:	% of Time Spent on Each Duty	Relevant Education/Skills to job duty:
Build reliable solutions based upon knowledge of complex data models, and building logic that bridges the gaps in data flow across dozens of systems.	<p>Design data model and data mart to implement reporting functions. Develop data visualization for reporting requirement.</p> <p>Design and develop data ETL (extract, transform, and load) process to migrate data between Enterprise Security's IAM database and other business/application teams across the firm.</p> <p>Communicate with other business groups regarding the data feed requirement.</p> <p>Analyze the quality and reliability of the data provided</p> <p>Tool used: SQL Server Management Studio, SSRS, Qlik, SSIS, Excel, etc.</p>	20%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Quantitative Methods • Data Analytics • Cybersecurity <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Knowledge in data analysis and data visualization. • Skills in report development using various Business Intelligence tools, such as SSRS and Qlik. • Expertise in various relational databases, such as SQL and Oracle, and data modeling • Expertise of creating complex SQL queries and ETL dataflow process

Job Duties	Detailed Description of Duties:	% of Time Spent on Each Duty	Relevant Education/Skills to job duty:
Create best practices for development in the IAM space including code migration and management.	<p>Create a reliable business process and procedure of code deployment and data migration.</p> <p>Manage versions control and comparison</p> <p>Follow the procedure to conduct deployment and data migration; continually identify vulnerabilities and potential risk of the procedure, and refine the process.</p> <p>Tool used: MS TFS, Rally CA, HP ALM, Excel, VNC Viewer, SQL Management Studio.</p>	20%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process • Optimization Models • Data Analytics <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Ability to define and develop business process and analyze risk. • Knowledge and experience of technical writing • Knowledge of SQL Server database, and system architecture.
Evaluate applications and application systems to ensure that business needs are met or exceeded, with a minimal degree of risk to the firm (Risk Management). This includes the identification and remediation of vulnerabilities, software and application testing, providing design and coding guidance, and serving as a consultant to other business units while acting as an Application Security Subject Matter Expert (SME).	<p>Conduct interviews with various teams and business groups, such as IAM Operation Team, System Security Analysts Team, and Auditing and Compliance Team, to understand, collect, and analyze their business requirement.</p> <p>Analyze business process and available technical solutions with the business; conduct feasibility and vulnerabilities analysis.</p> <p>Write technical documentation and user story according to the business requirement.</p> <p>Arrange UAT testing and internal testing; demonstrate solutions that have been developed to the business audience, and communicate the feedback back to the development team.</p> <p>Tools used: Rally CA, HP ALM, MS TFS, MS Office 365, etc.</p>	10%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process • Managerial Decision Behavior • Cybersecurity • Optimization Models <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Ability to conduct formal business analysis, risk analysis, and technical analysis. • Ability and experience to translate between business requirement and technical requirement. • Knowledge of Agile project management and SDLC • Skills in technical writing and business communication

Job Duties	Detailed Description of Duties:	% of Time Spent on Each Duty	Relevant Education/Skills to job duty:
<p>Work to identify, triage, and provide remediation guidance of vulnerabilities within software applications and systems, using a variety of tools, techniques, approaches, and methodologies (Risk Management, Cyber Security)(static analysis, dynamic analysis, source code review, etc.)</p>	<p>Analyze data quality and consistency; conduct data quality cross check; ensure data quality for operational and auditing requirement.</p> <p>Design and develop auditing and logging process and functionality to monitor and record the data changes.</p> <p>Investigate and trouble shoot during situation of data missing or data inconsistency.</p> <p>Tool used: SQL Server Management Studio, SSIS, SSRS, MS Excel, etc.</p>	10%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> Quantitative Methods Data Analytics Cybersecurity <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> Experience and knowledge in data analytics and quantitative methods Expertise in relational database, especially SQL database, and data modeling Knowledge of cyber security and enterprise risk management. Expertise in data analysis. Strong skills of T-SQL query writing. Knowledge in risk management and cyber security.
<p>Work collaboratively with developers and architects to determine risk of discovered vulnerabilities and to determine and implement remediation to both address the risk and meet business requirements.</p>	<p>Identify and investigate IAM production issues; analyze severity and prioritize the works</p> <p>Remediate the production issue via data manipulation and analysis.</p> <p>Collaborate with developers, engineers and technical consultant to develop and implement fix to the production issue.</p>	10%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> Quantitative Methods Data Analytics Cybersecurity <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> Ability to conduct formal business, risk, and technical analyses Ability to translate between business and technical requirements Knowledge of Agile project management and SDLC

Job Duties	Detailed Description of Duties:	% of Time Spent on Each Duty	Relevant Education/Skills to job duty:
<p>Work with System Security Engineers, developers, architects, project leads/managers, and business analysts in identifying security requirements for projects and ensure that these requirements are met as part of the software development lifecycle.</p>	<p>Conduct internal interviews with Enterprise Security's analysts, engineers, and project leads/managers to define and understand their business and technical requirement for Identity and Access Management.</p> <p>Summarize requirements, split into different Features/User Stories/Tasks according to the agile project management method, and estimate the time.</p> <p>Document the requirement, deliverable, and acceptance criteria.</p> <p>Tool used: Rally CA, HP ALM, MS TFS, MS Office 365, etc.</p>	10%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process • Managerial Decision Behavior • Cybersecurity Optimization Models <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Ability to conduct formal business analysis, enterprise risk analysis, and technical analysis. • Ability and experience to translate and present between business and technical requirement. • Knowledge of agile project management and SDLC
<p>Work with personnel throughout the firm to troubleshoot any problems and ensure the IAM System is functioning properly. When needed, works with the vendor of the product to ensure that issues are being properly addressed and resolved.</p>	<p>Work with Identity and Access Management team, providing operational support from both business and technical stand points.</p> <p>Investigate and trouble shoot database related issue, such as data missing, data quality issue, data flow disconnections, stored procedure failure, and reporting failure.</p> <p>Develop ad-hoc report and provide on-demand data to various business groups, including Enterprise Security management, and compliance/auditing team.</p> <p>Tool used: SQL Server Management Studio; SSRS; SSIS; Qlik.</p>	10%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Quantitative Methods • Data Analytics <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Expertise in SQL database, data modeling, and data analysis • Ability to write complex SQL database query and stored procedures. • Expertise in report development and data visualization via tools such as SSRS and Qlik.

Job Duties	Detailed Description of Duties:	% of Time Spent on Each Duty	Relevant Education/Skills to job duty:
Build, operate, and enhance systems to integrate tools such as static source code analysis, and others within the software development lifecycle in optimal ways.	<p>Work with external consultants developing customized features/functions/enhancement.</p> <p>Conduct static code analysis from business logic and workflow prospective.</p>	5%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process • Cybersecurity • Optimization Models <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • Knowledge and understanding of Identity and Access Management's business process and operational risk management.
Determine the impact of the introduction of these on the security posture of the rest of the enterprise and is prepared to provide actionable guidance and security requirements on the impacts of any new technologies or methodologies.	<p>Communicate with teams that manage infrastructures, such as WIS, ServiceNow, and Qlik to early identify their incoming changes. Work with the ES engineers to evaluate the impact caused by their action such as upgrade and patch. Determine the process and action needed to collaborate such changes</p> <p>Communicate with system security analysts, security engineers, developers, and project managers to explore and evaluate new technologies and products, including new Identity and Access Management products such as SailPoint; and new Business Intelligence products such as Qlik, Tableau, and MicroStrategy.</p>	5%	<p>Relevant Coursework:</p> <ul style="list-style-type: none"> • Business Process • Cybersecurity • Optimization Models • Networked Organizations <p>Relevant Skills Acquired:</p> <ul style="list-style-type: none"> • General knowledge of Cyber Security, Identity and Access Management, and Enterprise Risk Management. • General knowledge of IT infrastructure architecture.

Due to the complexity of these tasks and the specialized skill required, general knowledge of the applicable technical, analytical, and quantitative concepts alone, is not sufficient for a Sr. Systems Security Analyst to successfully complete the duties of the offered position. This knowledge is typically obtained through coursework offered during a Bachelor's degree program in Enterprise Risk Management or a related field.

Mr. Xu obtained a Bachelor's degree in Enterprise Risk Management from John Hopkins University, which confirms that its Enterprise Risk Management curriculum is designed to develop a thorough understanding of risk; protect shareholder value by managing the downside of risk; position the

organization to better leverage the upside of uncertain outcomes; increase supply chain responsiveness and resilience; effectively communicate across firm boundaries regarding risk management; develop and implement a crisis management communications plan; thoroughly assess insurance needs; develop plans to protect reputation, information, financial assets, and personnel; and improve decision making at all levels of the organization.

Through attainment of a Bachelor's degree in Enterprise Risk Management, Mr. Xu possesses the theoretical and practical knowledge required by the Sr. Systems Security Analyst position. Specifically, Mr. Xu gained the necessary theoretical and practical knowledge in a combination of business analysis skills in security and risk management, and technical skills and experience in data analysis and database development during his degree program.

As evidenced by his transcript, Mr. Xu's degree program included the following enterprise risk management and business analytics courses relevant to the duties of the Sr. Systems Security Analyst position:

BU.914.610 - Quantitative Methods - Students learn statistical techniques for further study in business, economics, and finance. The course covers descriptive statistics, probability, discrete and continuous random variables, hypothesis testing, and analysis of variance. The course emphasizes statistics to solve management problems. Case studies, spreadsheets, and computer software are used.

BU.510.650 - Data Analytics - This course prepares students to gather, describe, and analyze data, using advanced statistical and data visualization tools to support operations, risk management, and responses to disruptions. Analysis is done targeting economic and financial decisions in complex systems that involve multiple partners. Topics include probability, statistics, hypothesis testing, regression, clustering, decision trees, and forecasting.

BU.330.730- Cybersecurity - This course considers the contemporary cybersecurity threat landscape facing organizations. Students apply various risk frameworks to provide structure to the decision-making needed to invest in resources for security controls and countermeasures. Multiple strategies are explored, including policies, procedures, training, strategic alliances, technologies, and methodologies, especially drawing upon risk management and financial decision-making that are used in other sectors of an organization. Topics include qualitative and quantitative risk analysis, audits, metrics, vulnerability assessment, capital budgeting, return on security investment, legal and regulatory compliance, and security best practices. The course will prepare students to be successful in taking on leadership roles in assuring the security of an organization's operations.

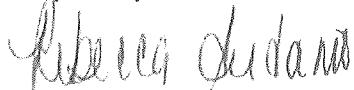
BU.520.620 - Advanced Business Analytics - This course trains decision makers to function in the face of multi-dimensional uncertainty, through the development and use of optimization models. Mathematical abstractions are created which deal with issues including resource allocation, scheduling, pricing, and other responses to the realization of a variety of "known unknowns". Topics include linear programming, data modeling and warehousing, dynamic programming, multi-criteria optimization, and non-linear optimization.

BU.610.625 - Simulation and Strategic Options - This course covers aspects of spreadsheet models, Monte Carlo Simulation, contingent claims analysis, and scenario planning to formalize the concept of real options as a framework for thinking through contingencies and strategic decisions made in the presence of risk. It uses the logic of options pricing, decision trees, and decision analysis to position the manager to deal with risks embedded in the use of real assets. Emphasis will be placed on taking advantage of the up-side of risks, and the application of rigorous approaches to thinking through "optionality" in the real world.

The above explanation, supported by the attached documents, clearly demonstrates that the nature of the position's duties is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a Bachelor's degree at a minimum, and that Mr. Xu is qualified to perform such specialized and complex duties through attainment of a bachelor's degree in Enterprise Risk Management.

Thank you for your prompt attention to this matter.

Respectfully submitted,



Rebecca Sudano
Global Mobility Specialist

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS T. ROWE PRICE ASSOCIATES, INC.		DEFENDANTS L. FRANCIS CISSNA, KEVIN MCALEENAN, LAURA B. ZUCHOWSKI	
<p>(b) County of Residence of First Listed Plaintiff <u>88888</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Eleanor Pelta MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Ave., NW, Washington DC 20004 - 202.739.3000</p>		<p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>		Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6	
IV. NATURE OF SUIT (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions .	
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment <input type="checkbox"/> 446 Amer. w/ Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
V. ORIGIN (Place an "X" in One Box Only)		SOCIAL SECURITY	
<input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) _____		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	
VI. CAUSE OF ACTION		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	
<p>Cite the U.S. Civil Statute under which you are filing (<i>Do not cite jurisdictional statutes unless diversity</i>): Review of agency decision under 5 U.S.C. § 702, 704 applying 8 U.S.C. § 1101 (15)(H) Immigration and Nationality Act</p> <p>Brief description of cause: Act denying H1B petition.</p>		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY <i>(See instructions):</i>		JUDGE _____ DOCKET NUMBER _____	
DATE 05/15/2019		SIGNATURE OF ATTORNEY OF RECORD <i>/s/ Eleanor Pelta</i>	
FOR OFFICE USE ONLY			
RECEIPT #	AMOUNT	APPLYING IEP	JUDGE
			MAG. JUDGE